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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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12 **SUNDIATA BRASHEARI TAYLOR**

13 Petitioner,

14 v.

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16 **UNITED STATES OF AMERICA,**

17 Respondent.
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Case No. 2:13-CV -03063-ODW

2:11-CR-00520- ODW-**

19 **ORDER**

20 On or about May 1, 2013 Petitioner filed a Motion to Vacate, Set Aside or Correct his
21 sentence [182]. On May 16, 2013 in Case number 2:13CV-03063 the government file a Motion to
22 Dismiss Petitioner's Motion. [4]. The same day the court issued an order dismissing the Petition as
23 being barred by the statute of limitations. [188] in case number 11-CR-520. Issuance of that order
24 was premature. Petitioner had not yet had an opportunity to respond to the government's motion.
25 That order is hereby withdrawn *nunc pro tunc*. Petitioner's opposition was filed on June 7, 2013
[189].

26 At this time, the court reinstates, as of this date, the court's Order of May 16, 2013. The
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1 rationale supporting dismissal remains unchanged.. The one-year statute of limitations imposed by
2 2255 (f) bars this petition. The one-year period runs from, among other events not here applicable,
3 the date on which the judgment of conviction becomes final. Petitioner was sentenced on January
4 30, 2012. He had 14 days within which to file his notice of appeal. He did not do so, therefore his
5 conviction became final 14 days after sentencing, or February 13, 2012. Petitioner's one year period
6 within which to bring a motion under 2255 expired February 13, 2013. Petitioner did not file his
7 2255 motion until May 1, 2013, 77 days late. It is therefore time-barred.

8 The government's Motion to Dismiss [4] is therefore **GRANTED**.

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11 DATED: July 8, 2013


12 OTIS D. WRIGHT, JUDGE
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